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Of Attorneys for Defendant Country Mutual Insurance Company

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

PRECISION SEED CLEANERS, INC., an  
Oregon corporation,

Case No. 3:10-cv-01023-HZ

Plaintiff,

v.

RESPONSE IN OPPOSITION TO  
PLAINTIFF'S MOTION FOR  
SUPPLEMENTAL ATTORNEY FEES

COUNTRY MUTUAL INSURANCE  
COMPANY, a foreign corporation,

Defendant.

COMES NOW Defendant, Country Mutual Insurance Company (hereinafter "Country Mutual"), to file its response in opposition to Plaintiff Precision Seed Cleaners, Inc.'s (hereinafter "Precision Seed") Motion for Supplemental Attorney Fees. Precision Seed moves the court to award supplemental fees in the amount of \$12,096.60 and an additional \$3,500 to file a reply in support of the petition. Country Mutual objects to \$2,137.00 of the requested fees on the basis that they are excessive. Country Mutual request that the court limit the award to a total of \$9,959.60 in reasonable fees.

**RESPONSE**

Country Mutual objects to the following fees on the basis that they are excessive and

unreasonable under the factors set forth in Or. Rev. Stat. § 20.075(2).

Date	Explanation	Hrs req Pltf	Lawyer	Rate	Total	Page Reference
10/22/2013	Per Doug Bragg's email instructions, make Mr. Bonaparte's suggested revisions to Plaintiff's Memorandum in Reply to Defendant's Opposition to Plaintiff's Motion for Reconsideration; Proofread entire Memorandum and add my own handwritten edits and make those revisions in Word; Print out revised Draft for Doug Bragg's review.	1.2	Tracey Poole	\$115	\$138.00	Dkt. 268-1 pg. 4
10/25/2013	Review and analyze comments from Bob Bonaparte regarding response to cross-motion on reconsideration relating to attorney fees and revise brief.	2.2	Doug Bragg	\$280	\$616.00	Dkt. 268-2 pg. 3
11/22/2013	Review and analyze time chart for supplemental attorney fee petition.	1.2	Doug Bragg	\$280	\$336	Dkt. 268-3 pg. 1
11/22/2013	Prepare Exhibit for Supplemental Fee Petition.	1	Tracey Poole	\$115	\$115.00	Dkt.268-3 pg. 1
11/25/2013	Review and analyze time entries relating to crossmotions for reconsideration.	0.2	Doug Bragg	\$280	\$56.00	Dkt.268-3 pg. 1
11/25/2013	Continue review and revisions of additional time entries for submission with proposed Judgment.	0.8	Tracey Poole	\$115	\$92.00	Dkt.268-3 pg. 1
12/6/2013	Review and analyze time spent on cross-motions to reconsider and prepare separate charts for each Motion to submit to the Court.	2.4	Doug Bragg	\$280	\$672.00	Dkt. 268-3 pg. 2
12/9/2013	Review and analyze time spent preparing Supplemental Fee Petition.	0.4	Doug Bragg	\$280	\$112.00	Dkt. 268-3 pg. 2
<b>TOTAL</b>					<b>\$2,137.00</b>	

Country Mutual objects on the basis that conferral with outside counsel to prepare the Reply to the Motion for Reconsideration was duplicative and unnecessary. Discussion, analysis and implementation of revisions and suggestions made by outside counsel is unreasonable because sufficient time to prepare the Reply Memorandum in Support of Plaintiff's Motion for Reconsideration was billed.

Furthermore, Country Mutual objects to the time billed to review and analyze the time entries submitted with the Motion for Supplemental Attorney Fees. The overall time of 12.1 hours billed for the Motion for Supplemental Attorney Fees is unreasonable to prepare the 42.8 hours billed for the Motions of Reconsideration. Furthermore, review of the time entries and mathematical calculation is clerical and administrative in nature. Country Mutual also objects that the \$3,500.00 requested for responding to these objections is excessive.

### CONCLUSION

Based on the foregoing, Country Mutual respectfully requests that the court limit the award of supplemental attorney fees to \$ 9,959.60.

DATED this 30<sup>th</sup> day of December, 2013.

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